

State of Washington  
REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION

PRIORITY DATE  
1/9/1998

WATER RIGHT NUMBER  
S3-30137

MAILING ADDRESS  
MICHAEL AND DAWN NAFF  
P.O. BOX 59  
KETTLE FALLS WA 99141-0059

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.01	CFS	1

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE		ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	ADDITIVE	NON-ADDITIVE	
Single Domestic Supply (includes ¼ acre lawn irrigation)	0.01		1		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO					WATER RESOURCE INVENTORY AREA	
Ferry	UNNAMED SPRING	COLUMBIA RIVER					58-MIDDLE LAKE ROOSEVELT	

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	73733410002100		37 N.	37 E.	33	NE¼SE¼	48.6589769	118.1109849

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

73733410002200

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lot 2 of Kenner Short Plat# 87-0 within the SE¼ of Section 33 T. 37 N., R. 37 E.W.M.

REPORT OF EXAMINATION

## Proposed Works

Spring box, pump and water line to the property

## Development Schedule

### BEGIN PROJECT

Begun

### COMPLETE PROJECT

complete

### PUT WATER TO FULL USE

In use

## Measurement of Water Use

How often must water use be measured?

Monthly

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (cfs)

## Provisions

### Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

### Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

### Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

### Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-30137, subject to existing rights and the provisions specified above.

### Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 24th day of July, 2013.

  
Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

## INVESTIGATOR'S REPORT

Water Right Application Number S3-30137

### BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30137.

#### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Statesman Examiner on November 7 and 14, 2012 and no protests were received.

#### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

### INVESTIGATION

A site visit was conducted by Kevin Brown on June 10, 2013. The point of diversion is currently constructed and the applicant is diverting from an existing developed spring on Lot 1 of the Kenner Short Plat. The applicant owns Lot 2 of the Kenner Shot Plat. The house was constructed in the early 80's and the applicant has been using the water for domestic use and lawn irrigation. Two other residences are using the spring for domestic supply and lawn irrigation under authorization of Surface Water Certificate 10348.

The applicant is currently irrigating about  $\frac{1}{4}$  acre of lawn. One acre-foot is sufficient to irrigate the limited lawn area and domestic uses.



The applicant has been using the spring since the early 80's. There have been no documented complaints of interference from the other land owners. At the time of the field examination, the overflow from the spring was approximately 30 gallons per minute. The applicant indicated that there is almost always sufficient water to satisfy all of the uses. In very dry years, the flow is diminished. The spring box is approximately 4 feet x 4 feet and 2 feet deep. A small pump pumps the water uphill to the homes.

### **Existing Water Rights**

The spring is currently developed under Surface Water Certificate 10348 which authorizes 0.02 cfs, 3.6 acre-feet per year for group domestic supply for two homes and 0.02 cfs, 3 acre-feet per year from April 1 to October 15 for irrigation of 1 acre.

Water Right Claim No. 010115 claims a use of 0.02 cfs, 3.3 acre-feet per year for domestic supply and ½ acre of irrigation. Although the claimed date of first use is 1917, it identified Certificate 10348 as the underlying authorization.

Water Right Claim No. 010114 claims a use of 0.02 cfs, 3.3 acre-feet per year for domestic supply and ½ acre of irrigation. Although the claimed date of first use is 1917, it identified Certificate 10348 as the underlying authorization.

These rights are the only uses from the spring.

### **Beneficial Use**

Single domestic supply including ¼ acre of irrigation is a beneficial use.

### **Water Availability**

Water is available for appropriation. The quantity recommended for approval should not impair existing rights. Should dry years occur, the applicant would be junior to the other residences and may be required to curtail outside uses to satisfy the adjacent land owner although the use of water has not been a problem in the past.

### **Impairment Considerations**

A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed diversion. There are no other water rights appurtenant to the applicant's property.

### **Public Interest Considerations**

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

The approval of this application for this quantity and use will not be detrimental to the public interest.

## Conclusions

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that public surface water, from the unnamed spring, is available for single domestic supply (including  $\frac{1}{4}$  acre of irrigation). This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

## RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

### Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.01 cubic feet per second

1 acre-foot per year

Single domestic supply

Point of Diversion: Lot 1 Kenner Short Plat 87-0 within the SE $\frac{1}{4}$  of Section 33, Township 37 North, Range 37 E.W.M.

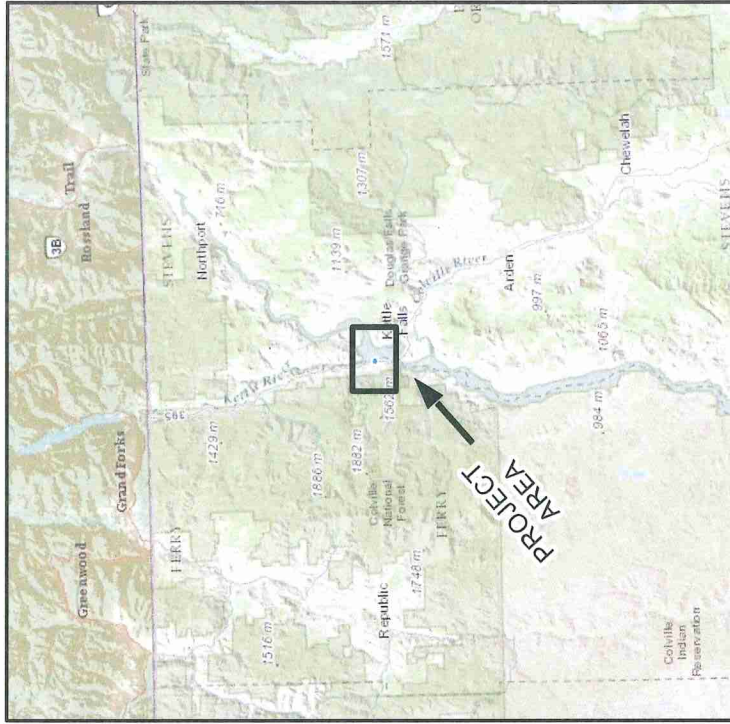
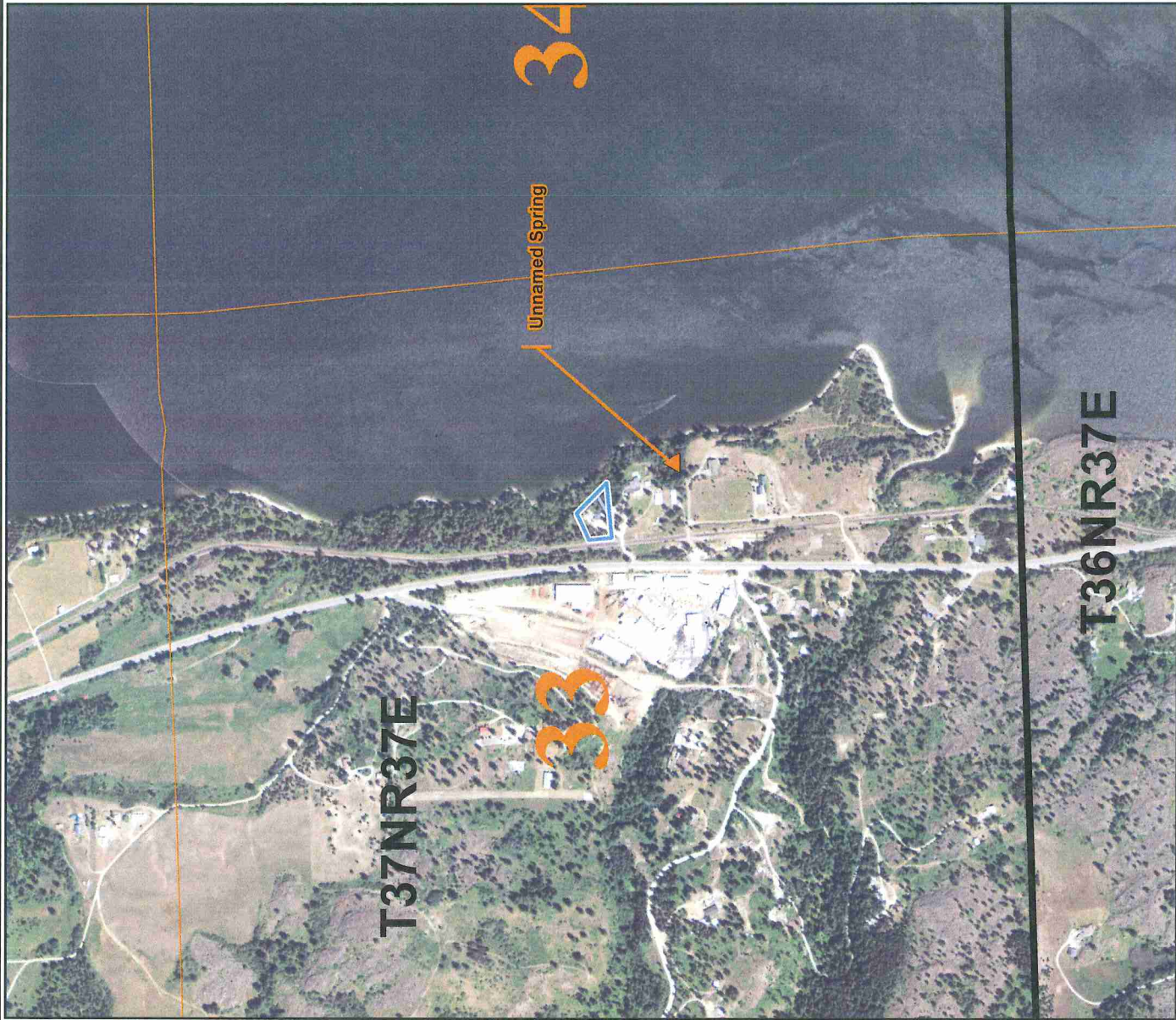
*Victoria Luba for*  
Kevin Brown, Report Writer

*7/24/13*  
Date

*If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*



Michael Naff  
S3-30137  
T37N/R37E



Basemap - (ESRI US Topographic Maps)

**Legend**

Authorized Place of Use

Authorized Point of Diversion

Townships

Sections

**Comment:**  
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.